



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CERTIFICATE OF TRANSFER OF LAND

RHODE ISLAND DEPARTMENT OF TRANSPORTATION  
to  
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
for

Purgatory Road & Tuckerman Avenue Parcel (Purgatory Chasm)  
Middletown, Rhode Island

By virtue of authority vested in me by the provisions of Title 37, Chapter 7, Section 6 of the General Laws of Rhode Island, 1956, as amended, having heretofore been requested in writing by Michael P. Lewis, in his capacity as Director of the Department of Transportation, and Janet Coit, in her capacity as Director of the Department of Environmental Management, so to do, I, Lincoln D. Chafee, Governor of the State of Rhode Island and Providence Plantations, hereby certify that the custody, control and supervision over the land and easements herein described is transferred from the Department of Transportation to the Department of Environmental Management subject to the covenants and restrictions herein and in Exhibit A attached hereto and incorporated herein.

That certain land situated in the Purgatory Road and Tuckerman Avenue area of Middletown, County of Newport, State of Rhode Island and Providence Plantations, and delineated as Parcels 1, 2 and 3 on Beautification Plat No. B5009 by the Department of Transportation, Division of Public Works, said land being further described as follows: *approximately 8.4 (eight and four tenths) acres located at the easterly side of Tuckerman Avenue at the intersection of Purgatory Road and immediately overlooking Sachuest Bay and depicted as yellow-shaded area in Exhibit B attached hereto and incorporated herein.*

The use of said land by the Department of Environmental Management, its agents, contractees and assigns shall be for improved beach access and walking paths. If used by the Department of Environmental Management for a purpose other than the above activities, custody, control and supervision of said land will revert immediately thereupon to the Department of Transportation. In addition, if the Department of Environmental Management receives any revenue from use of said land for any reason, said revenue will be paid to the Department of Transportation.

IN WITNESS WHEREOF, I, Lincoln D. Chafee, the Governor of the State of Rhode Island and Providence Plantations, have set my hand and seal this 14 day of January, 2014.

WITNESS:

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS

  
Lincoln D. Chafee  
Governor

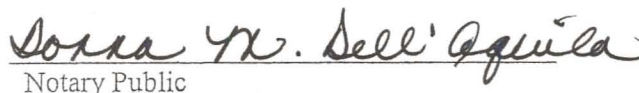
STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

In Providence, in said County and State, on the 14 day of January, 2014, before me personally appeared Lincoln D. Chafee, the Governor of the State of Rhode Island and Providence Plantations, and he acknowledged said instrument by him executed to be his free act and deed, his free act and deed in his capacity as aforesaid, and the free act and deed of the State of Rhode Island and Providence Plantations.

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 JAN 16 2014

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ADMINISTRATIVE RECORDS

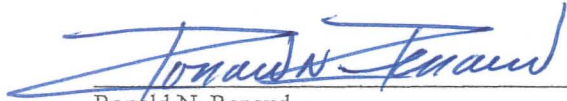
  
Notary Public

My Commission expires: 4-15-15

B

APPROVED this 17th day of December, 2013, by the State Properties Committee.

APPROVED:




Ronald N. Renaud  
Chairman, State Properties Committee

APPROVED AS TO FORM:

Richard B. Woolley Asst. AG.  
Designee for the Department of Attorney General  
**RICHARD B. WOOLLEY**

APPROVED AS TO SUBSTANCE:



Designee of the Director, Department of  
Administration, **ROBERT K. GRIFFITH**

APPROVED:

  
Public Member

APPROVED:

  
Public Member

**RECEIVED**

 **JAN 16 2014**

**RI SECRETARY OF STATE  
ADMINISTRATIVE RECORDS**



RECEIVED

2014 JAN 16 2014

RI SECRETARY OF STATE  
ADMINISTRATIVE RECORDS

Attached hereto and made a part hereof:

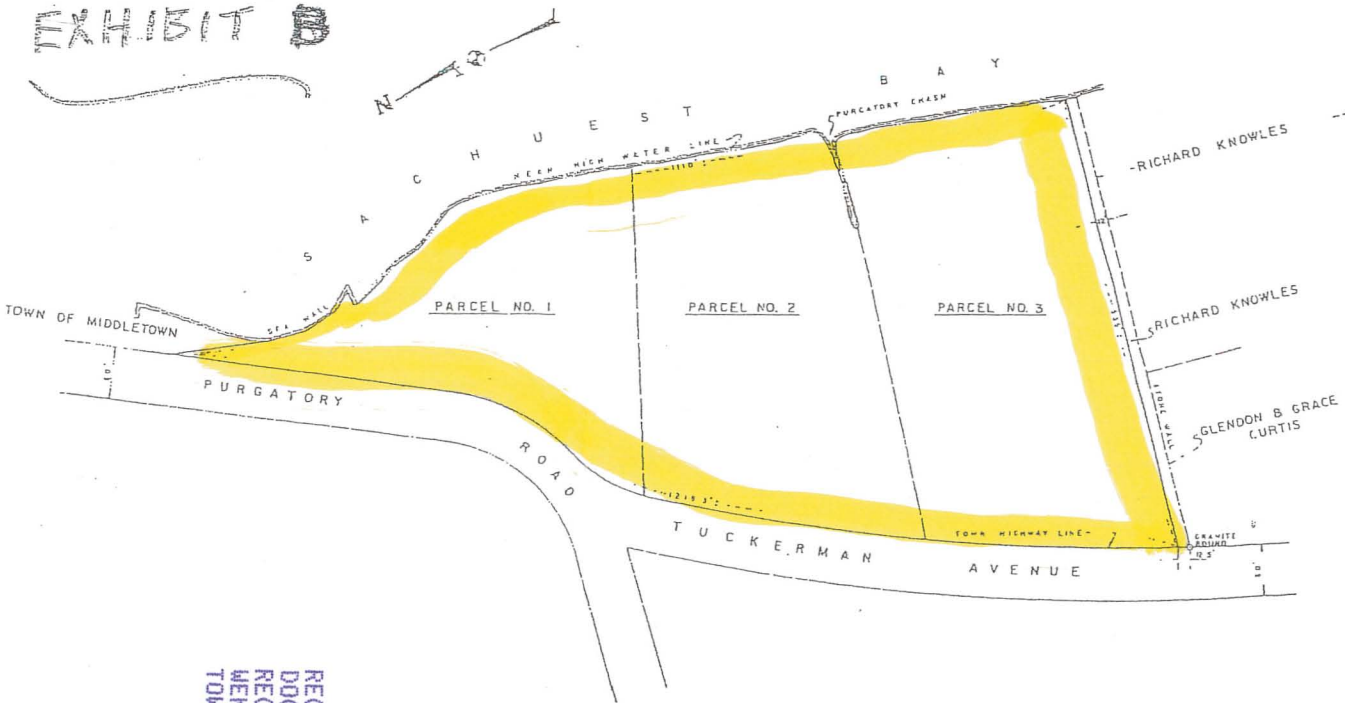
The Department of Environmental Management, for themselves, their successors and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the parcel of land described on Exhibit "A," that:

1. Any use of said parcel of land will be in compliance with Title VI of the Federal Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-4, i.e., without discrimination as to race, color, sex, national origin, age, or disability. Moreover, the Department of Environmental Management covenants and agrees, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on said parcel of land described in this deed, for a purpose for which a U.S. Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, the Department of Environmental Management shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 C.F.R. Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (the Regulations), and as the Regulations may be amended.

In the event of breach of any of the above nondiscrimination covenants, the Department of Transportation shall have the right to re-enter said parcel of land and the facilities thereon, and the custody and control of the above-described lands and facilities shall thereupon revert to and vest in and become absolute to the Department of Transportation and its assigns.

2. No billboard, sign or other outdoor advertising devices shall be erected upon said parcel of land other than those indicating ownership and type of activity being conducted on the premises and shall be subject to reasonable restrictions with respect to number, size, location and design by regulation of the Department of Transportation and/or the Federal Highway Administration and subject to local zoning ordinances.
3. Any public utilities or municipalities having facilities under, over or through the parcel of land herein conveyed as of the date of these presents shall have the right and easement to continue to maintain, operate and renew their facilities within the premises herein described.
4. The Department of Environmental Management will indemnify, save harmless and defend the the Department of Transportation from any claim or claims arising from the discovery, uncovering, finding, transportation, storage and disposal of any oil, hazardous material, hazardous waste or hazardous substance, as those terms are defined by any applicable law, rule or regulation, including, without limitation, the Rhode Island Hazardous Waste Management Corporation Act, R.I.G.L. 23-19-1 et seq.; the Rhode Island Hazardous Substance Act, R.I.G.L. 23-24-1 et seq.; the Rhode Island Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal, the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.; and the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., on, beneath, above or under the parcel herein conveyed attributable to the Department of Environmental Management subsequent to the date of this conveyance arising under Rhode Island General Laws, Sections 23-19-1 through 23-19-27, inclusive, as amended or otherwise.
5. The Department of Transportation retains the right to pass and repass, access and egress, said parcel of land by vehicle and on foot.

EXHIBIT B

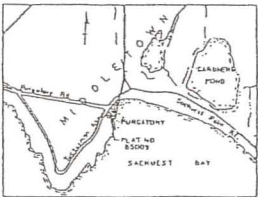


PARCEL NO.	OWNER'S NAME	AREA
1	PAULINE H. HAIRE	2.1 ± ACRES
2	PAULINE H. HAIRE	2.8 ± ACRES
3	PAULINE H. HAIRE	3.5 ± ACRES

RHODE ISLAND  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ROADS AND BRIDGES

PLAT  
SHOWING LAND SITUATED IN  
MIDDLETOWN  
TAKEN IN FEE SIMPLE FOR SCENIC ENHANCEMENT  
AND REST FACILITY PURPOSES ADJACENT TO A FEDERAL-AID HIGHWAY

ON BEHALF OF  
THE STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS  
BY THE  
DIRECTOR OF PUBLIC WORKS  
PURSUANT TO THE PROVISIONS OF TITLE 37, CHAPTER 6.2  
OF THE GENERAL LAWS OF RHODE ISLAND 1956 AS AMENDED  
ACQUISITION BY CONDEMNATION AUTHORIZED BY THE STATE PROPERTIES  
COMMITTEE ON JUNE 14, 1967  
FILED IN THE OFFICE OF THE TOWN CLERK OF THE  
TOWN OF MIDDLETOWN  
ON THE 19TH DAY OF JUNE 1967



LOCATION MAP

MIDDLETOWN  
PURGATORY ROAD  
AND  
TUCKERMAN AVENUE



2016  
The original of this plat and all copies are  
given for the use of the State of Rhode Island  
and its people and are to be preserved in the  
State Archives and are to be available to the public  
under the provisions of the Access to Information  
Act of 1967.

SCALE 80 FEET PER INCH  
SHEETS SHEET NO. 1

BEAUTIFICATION PLAT No. B500!

RECORDED: Jan 31, 2014 03:30P  
DOC #: 00000239  
RECEIPT #: 34892  
WENDY J. W. MARSHALL, TOWN CLERK  
TOWN OF MIDDLETOWN, RI

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JAN 16 2014  
RI SECRETARY OF STATE  
ADMINISTRATIVE RECORDS